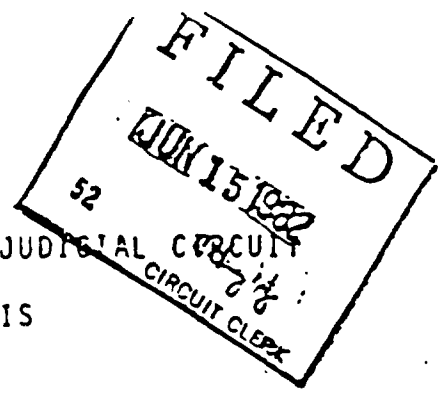


STATE OF ILLINOIS

COUNTY OF ST. CLAIR

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IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

-vs-

MONSANTO COMPANY, a Delaware
corporation,

Defendant.

NO. *82CH195*

COMPLAINT FOR INJUNCTION AND OTHER RELIEF

NOW COMES Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS,
by Tyrone C. Fahner, Attorney General for the State of Illinois,
and complaining of Defendant, MONSANTO COMPANY, a Delaware
corporation, alleges as follows:

STATEMENT OF THE CASE

1. Defendant, MONSANTO COMPANY (hereinafter "MONSANTO"),
is, and at all times pertinent to this Complaint has been, a
corporation organized under the laws of the State of Delaware,
qualified to do business and doing business in the State of
Illinois.

2. At all times pertinent to this Complaint MONSANTO has owned certain property in Sauget, St. Clair County, Illinois, described as:

/a/ tract of land composed of portions of the accretions to the Third Subdivision of the Cahokia Commons in United States Survey No. 739, St. Clair County, Illinois, and described as beginning at the point of intersection of the southwestern line of Riverview Avenue (vacated), 70 feet wide, as established by Ordinance No. 122 of the Village of Monsanto, Illinois (now Sauget, Illinois) and vacated by Ordinance No. 436, with the northwestern line of the 230 K.V. Transmission Line Easement for Union Electric Power Company recorded in Book 1284, page 28 of the St. Clair County Recorder of Deeds Office; thence running in a generally southwestwardly direction two bearings and distances for a total distance of 2011.08 feet along the northwestern line of said Union Electric Power Company Easement to a point marked by a 2" diameter pipe; thence northwestwardly on a line parallel with the southwestern line of Riverview Avenue (vacated) a distance of 430 feet to a point from which a 2" diameter pipe bears northwest 3 feet; thence northeastwardly 2013 feet to a point of intersection with the southwestern line of Riverview Avenue (vacated), that point being 455 feet northwestwardly from the point of beginning; thence 455 feet to the point of beginning.

3. Said property was utilized by MONSANTO from approximately 1957 to 1974 as a disposal site (hereinafter sometimes referred to as the "disposal site") for liquid and solid chemical wastes, generated by MONSANTO, including several types of toxic organics and heavy metals. The wastes were deposited in one or a series of unlined lagoons or pits on said property. Soil characteristics in the disposal areas

range from moderately to highly permeable. The disposal site sits atop a heavily-utilized groundwater aquifer. The disposal site also is within 500 feet of the Mississippi River, and lies in the river's flood plain outside of a flood control levee. The disposal site was closed and covered in approximately 1978. The disposal site does not provide for the permanent containment of the hazardous wastes disposed thereat.

4. During the period that MONSANTO used the above-described property as a disposal site for its wastes, as much as 35,470 cubic yards per year of industrial wastes were deposited on the property.

5. Said wastes included, but are not limited to:

1. Wastes resulting from the distillation of:

- a. Phenol
- b. Chlorophenol
- c. Nitro-Aniline and similar compounds
- d. Chlorobenzol
- e. Chloro aniline
- f. Other aniline derivatives
- g. Nitro benzene derivatives
- h. Aromatic carboxylic acids (Maleic, Phthalic)
- i. Chlorophenol Ether

2. By-Products -

- a. Mixed isomers of nitrochlorobenzene

2. By-Products (cont'd.) -

- a. Mixed isomers of Dichlorophenol
- b. Waste Maleic Anhydride
- c. Waste Chlorobenzenes and Nitro-chlorobenzenes

3. Contaminated Water and Acids -

- a. Water with varying amounts of phenols (0-15%)
- b. Waste Sulfuric acid with chlorophenol present
- c. Caustic Soda Solution with chlorophenol present

4. Waste Solvents -

- a. Waste Methanol contaminated with Mercaptans
- b. Waste Isopropanol -- Water and chlorinated hydrocarbon
- c. Research Waste: Miscellaneous Solvents and Materials
- d. Oily Materials from Oil Additive Production

5. Filter Sludge -

- a. Attapulugus Earth - Keisulguhr from Alkyl Benzene filtration
- b. Lime Mud from nitro-aniline production

6. Unwanted Samples and Waste resulting from taking samples -

- a. Chlorophenols
- b. Laboratory Samples

6. Some or all of the above-listed wastes including,
but not limited to:

chlorobenzene
chlorophenol
biphenylamine
trichlorophenol

dichlorobenzene
dichlorophenol
chloronitrobenzene

are still present in Defendant Monsanto's property.

7. All of the above-listed wastes are contaminants,
and some are highly toxic to human health or animal life, and/or
are known or suspected carcinogens or mutagens.

8. MONSANTO, at all times pertinent hereto, has also
owned property located west of, and immediately adjacent to
the disposal site. Said additional property extends in a
generally westward direction from the western boundary of
the disposal site, at both the northernmost and southernmost
boundaries, continuously until said property reaches the
Mississippi River and its boundary line is formed by the
Eastern Outer Harbor Line of the Mississippi River as
established by the Secretary of War in 1903.

9. On September 30, 1981, October 2, 1981 and November
12, 1981, liquid substances were observed seeping out of the
abovedescribed property of Defendant MONSANTO, at the river
bank (hereinafter sometimes referred to as the "riverbank
property"), and flowing into the Mississippi River.

10. The observed liquid seepage contained various
organic chemical compounds and metals including, but not
limited to:

chlorophenol	polychlorinated dibenzo-p-dioxins
chlorobenzene	chloronitrobenzene
biphenylamine	dichlorobenzene
trichlorophenol	chloronitroaniline
toluene	chloronitroaniline
dichloronitrobenzene	phenol
benzene	biphenol
benzenedicarboxylic acid	methylphenol
benzoic acid	methylchlorophenol
methylbenzenesulphamide	hydroxybenzoic acid
nitrophenol	chloroaniline
4-methyl 2-pentanol	dichloroaniline
2-cyclopentanol	aniline
-n-butylphthalate	nitroaniline
polychlorinated biphenyls	2,4-dichlorophenoxyacetic acid
arsenic	mercury
selenium	beryllium
cadmium	chromium
polychlorinated	lead
dibenzo-furans	

All of the chemical substances listed above are contaminants, and some are highly toxic to human health or animal life, and/or are known or suspected carcinogens or mutagens.

11. To date, MONSANTO has taken no action to prevent the seepage of the above-listed contaminants and hazardous substances from the riverbank property into the Mississippi River.

COUNT I

DEFENDANT HAS CAUSED A PUBLIC NUISANCE

12. This Count is brought by Tyrone C. Fahner, Attorney General for the State of Illinois, pursuant to his common law power and duty to maintain actions for the abatement of public nuisances.

13. Paragraphs 1 and 8 through 11 are realleged.

14. The seepage of the above-described contaminants and,

hazardous substances into the Mississippi River creates a nuisance, and renders said waters harmful or detrimental, or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses of said waters, or to livestock, wild animals, birds, fish or other aquatic life that come into contact with said waters.

15. The seepage of the above-described contaminants and hazardous substances has caused Plaintiff and those upon whose own behalf Plaintiff brings this action irreparable injury for which there is no adequate remedy at law, for once said chemical substances entered and continue to enter the waters of the State of Illinois, substantial and irreversible damage has and will continue to occur to the citizens and environment of St. Clair County and the State of Illinois and those citizens in areas downstream of the discharge point.

16. Unless enjoined by this Court, the public nuisance created by the discharge of said contaminants and hazardous substances into the Mississippi River will continue unabated.

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, prays that this Court grant it the following relief:

A. Issue an injunction directing Defendant to take measures to immediately prevent all seepage of contaminants or hazardous substances, including those listed in Paragraph 10 above, from its riverbank property from entering the Mississippi River, and to remove all such substances from said property

together with any soil contaminated by such seepage;

B. Enter an Order requiring Defendant to conduct a study to determine the nature, cause and origin of the seepage as expeditiously as possible;

C. Enter an Order taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not limited to, the reasonable and necessary expenses of any expert witness called to testify upon behalf of the Plaintiff; and

D. Grant such other and further relief as this Court may deem appropriate under the circumstances.

COUNT II

DEFENDANT THREATENS TO CAUSE A PUBLIC NUISANCE

17. This Count is brought by Tyrone C. Fahner, Attorney General for the State of Illinois, pursuant to his common law power and duty to maintain actions for the abatement of public nuisances.

18. Paragraphs 1 through 7 are realleged.

19. The proximity of the disposal site to the Mississippi River and the site's location outside of the flood control levee create a distinct threat of contamination of the river during flood conditions.

20. In addition, the permeable nature of the soils .

distinct threat of contamination of the underground waters
- and eventually the Mississippi River.

21. Any migration of the contaminants and hazardous substances deposited at the disposal site either into the Mississippi River or into the underground waters will create a nuisance, and render said waters harmful or detrimental, or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses of said waters, or to livestock, wild animals, birds, fish or other aquatic life that come into contact with said waters.

22. The continued presence of the contaminants and hazardous substances at the disposal site will cause Plaintiff and those upon whose own behalf Plaintiff brings this action irreparable injury for which there is no adequate remedy at law, for once said contaminants and hazardous substances enter the waters of the State of Illinois substantial and irreversible damage will occur to the citizens and environment of St. Clair County and the State of Illinois and those citizens in areas downstream of the disposal site.

23. Unless enjoined by this Court, the public nuisance posed by the threatened release of said contaminants and hazardous substances into the Mississippi River and/or the underground waters will continue unabated.

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, prays that this Court grant it the following relief:

A. Issue an injunction directing Defendant to prevent any and all migration of contaminants or hazardous substances from the disposal site from entering the Mississippi River and/or the underground waters and to remove all such substances placed at the site, together with any soil already contaminated;

B. Enter an Order taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not be limited to, the reasonable and necessary expenses of any expert witnesses called to testify upon behalf of the Plaintiff; and

C. Grant such other and further relief as this Court may deem appropriate under the circumstances.

COUNT III

DEFENDANT HAS CAUSED WATER POLLUTION

24. This Count is brought by Tyrone C. Fahner, Attorney General of the State of Illinois, pursuant to the terms and provisions of "An Act in Relation to the Prevention and Abatement of Air, Land and Water Pollution," (Ill. Rev. Stat., ch. 14, pars. 11 and 12 (1979)).

25. Paragraphs 1 and 8 through 11 are realleged.

26. The discharge of contaminants and hazardous substances from the riverbank area as alleged above into the Mississippi River constitutes water pollution within the meaning of Ill. Rev. Stat. 1979, ch. 14, par. 11(b).

27. The seepage of contaminants and hazardous substances from the riverbank property have caused Plaintiff and those upon whose own behalf Plaintiff brings this action irreparable injury for which there is no adequate remedy at law, for once said contaminants and hazardous substances have entered and continue to enter the waters of the State of Illinois, substantial and irreversible damage has and will continue to occur to the citizens and environment of St. Clair County and the State of Illinois and those citizens in areas downstream of the disposal site.

28. The violations will continue unabated unless enjoined by this Court.

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, prays that this Honorable Court grant the following relief:

A. Issue an injunction directing Defendant to take measures to immediately prevent all seepage of contaminants or hazardous substances, including those listed in Paragraph 10 above, from its riverbank property from entering the Mississippi River, and to remove all such substances from said property together with any soils contaminated by such seepage;

B. Enter an Order requiring Defendant to conduct a

study to determine the nature, cause and origin of the seepage as expeditiously as possible;

C. Enter an Order taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not be limited to, the reasonable and necessary expenses of any expert witnesses called to testify upon behalf of the Plaintiff; and

D. Grant such other and further relief as this Court may deem appropriate under the circumstances.

COUNT IV

DEFENDANT THREATENS TO CAUSE WATER POLLUTION

29. Paragraphs 1 through 7 are realleged.

30. This Count is brought by Tyrone C. Fahner, Attorney General of the State of Illinois, pursuant to the terms and provisions of "An Act in Relation to the Prevention and Abatement of Air, Land and Water Pollution," (Ill. Rev. Stat., ch. 14, pars. 11 and 12 (1979)).

31. The proximity of the disposal site into the Mississippi River and the site's location outside of the flood control levee creates a distinct threat of contamination of the river during flood conditions.

32. In addition, the permeable nature of the soils

underlying and surrounding the disposal site creates a distinct threat of contamination of the underground waters and eventually the Mississippi River.

33. Any migration of the contaminants and hazardous substances deposited at the disposal site either into the Mississippi River or into the underground waters will create a nuisance, and render said waters harmful or detrimental, or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate uses of said waters, or to livestock, wild animals, birds, fish or other aquatic life that come into contact with said waters.

34. The threatened migration of the contaminants and hazardous substances from the disposal site into the underground waters and/or into the Mississippi River constitutes a threat of water pollution within the meaning of Ill. Rev. Stat. 1979, ch. 14, par. 11(b).

35. The continued presence of the contaminants and hazardous substances at the disposal site will cause Plaintiff and those upon whose own behalf Plaintiff brings this action irreparable injury for which there is no adequate remedy at law, for once said contaminants and hazardous substances enter the waters of the State of Illinois substantial and irreversible damage will occur to the citizens and environment of St.

Clair County and the State of Illinois and those citizens in areas downstream of the disposal site.

36. Unless enjoined by this Court, the threat of water pollution posed by the threatened release of said contaminants and hazardous substances into the Mississippi River and/or the underground waters will continue unabated.

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, prays that this Honorable Court grant the following relief:

A. Issue an injunction directing Defendant to prevent any and all migration of contaminants or hazardous substances from the disposal site from entering the Mississippi River and/or the underground waters and to remove all such substances placed at the site, together with any soil already contaminated;

B. Enter an Order taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not be limited to, the reasonable and necessary expenses of any expert witnesses called to testify upon behalf of the Plaintiff; and

C. Grant such other and further relief as this Court may deem appropriate under the circumstances.

COUNT V

DEFENDANT HAS VIOLATED STATE WATER POLLUTION STATUTES

37. This Count is brought pursuant to the statutory

authority of the Attorney General under Section 42 of the Environmental Protection Act (hereinafter the "Act"), Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1042 to seek injunctive relief for violations of the Act.

38. Paragraphs 1 and 8 through 11 are realleged.

39. Section 12(a) of the Act, Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1012(a) provides:

"No person shall:

Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act."

40. Section 3 of the Act, Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1003 defines "water pollution" as:

"... such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life."

41. Section 3 of the Act, Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1003 defines "contaminant" as:

"... any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source."

42. By failing to prevent the seepage of the chemical substances listed above into the Mississippi River from its riverbank property, MONSANTO has violated Section 12(a) of the Act by allowing the discharge of contaminants into the Mississippi River, tending to alter the chemical and biological properties of the river and thus has rendered, will render, or is likely to render, the river harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

43. The violations will continue unabated unless enjoined by this Court.

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, prays that this Honorable Court grant the following relief:

A. Issue an injunction directing Defendant to take measures to immediately prevent all seepage of contaminants and hazardous substances, including those listed in paragraph 10 above, from its riverbank property from entering the Mississippi River, and to remove all such substances from said property together with any soil contaminated by such seepage;

B. Enter an Order requiring Defendant to conduct a study to determine the nature, cause and origin of the seepage as expeditiously as possible;

C. Enter an Order taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not be limited to, the reasonable and necessary expenses of any expert witnesses called to testify upon behalf of the Plaintiff; and

D. Impose a civil penalty against Defendant in an amount not to exceed Ten Thousand Dollars (\$10,000.00) for each violation and an amount not to exceed One Thousand Dollars (\$1,000.00) for each day said violations are found to have continued;

E. Grant such other and further relief as this Court may deem appropriate under the circumstances.

COUNT VI

DEFENDANT HAS CREATED A WATER POLLUTION HAZARD

44. This Count is brought pursuant to the statutory authority of the Attorney General under Section 42 of the Environmental Protection Act (hereinafter the "Act"), Ill. Rev. Stat. 1979, ch. 111 1/2, par. 1042 to seek injunctive relief for violations of the Act.

45. Paragraphs 1 through 7 are realleged.

46. Section 12(d) of the Act, Ill. Rev. Stat. 1979,

ch. 111 1/2, par. 1012(d) provides:

"No person shall:

* * *

Deposit any contaminants upon the land
in such place and manner so as to create
a water pollution hazard."

47. Section 3 of the Act, Ill. Rev. Stat. 1979, ch.

111 1/2, par. 1003 defines "water pollution" as:

"... such alteration of the physical,
thermal, chemical, biological or radio-
active properties of any waters of the
State, or such discharge of any contam-
inant into any waters of the State, as
will or is likely to create a nuisance
or render such waters harmful or detri-
mental or injurious to public health,
safety or welfare, or to domestic, com-
mercial, industrial, agricultural, re-
creational, or other legitimate uses,
or to livestock, wild animals, birds,
fish, or other aquatic life."

48. Section 3 of the Act, Ill. Rev. Stat. 1979, ch.

111 1/2, par. 1003 defines "contaminant" as:

"... any solid, liquid, or gaseous mat-
ter, any odor, or any form of energy,
from whatever source."

49. The proximity of the disposal site to the Mississippi
River and the site's location outside of the flood control
levee creates a distinct threat of contamination of the river
during flood conditions.

50. In addition, the permeable nature of the soils

underlying and surrounding the disposal site creates a distinct threat of contamination of the underground waters and eventually the Mississippi River.

51. Thus, MONSANTO has violated Section 12(d) of the Act by depositing the above-described contaminants and hazardous substances at the disposal site in such place and manner as to cause a water pollution hazard.

52. The violation will continue unabated unless enjoined by this Court.

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, prays that this Honorable Court grant the following relief:

A. Issue an injunction directing Defendant to prevent any and all migration of contaminants or hazardous substances from the disposal site from entering the Mississippi River and/or the underground waters and to remove all such substances placed at the site, together with any soil already contaminated;

B. Enter an Order taxing or assessing all costs of this proceeding against the Defendant, such costs to include, but not be limited to, the reasonable and necessary expenses of any expert witnesses called to testify upon behalf of the Plaintiff; and

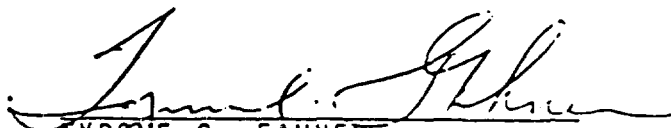
C. Impose a civil penalty against Defendant in an amount not to exceed Ten Thousand Dollars (\$10,000.00) for each violation and an amount not to exceed One Thousand

Dollars (\$1,000.00) for each day said violations are found to have continued;

D. Grant such other and further relief as this Court may deem appropriate under the circumstances.

PEOPLE OF THE STATE OF ILLINOIS

BY:


TYRONE C. FAHNER
ATTORNEY GENERAL
STATE OF ILLINOIS

OF COUNSEL:

Robert W. Mueller
Reed W. Neuman *Robert W. Neuman*
Assistant Attorneys General
500 South Second Street
Springfield, Illinois 62706
(217) 782-9031

DATED: June 15, 1982.

STATE OF ILLINOIS }
COUNTY OF SANGAMON }

A F F I D A V I T

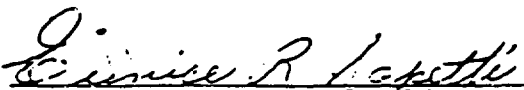
I, ROBERT W. MUELLER, being duly sworn upon my oath do
state:

1. I am an Assistant Attorney General with the responsibility
to prepare and present the Complaint attached hereto.

2. That the contents of the foregoing Complaint are true
to the best of my knowledge and belief.


Robert W. Mueller
Assistant Attorney General

SUBSCRIBED AND SWORN TO BEFORE
me this 9th day of June,
1982.


Notary Public